

Birgit Pruess, Ph.D.  
3696 Harrison St. S  
Fargo, ND

March 9, 2025

RE: HB1437

Dear members of the 69<sup>th</sup> Legislative Assembly of North Dakota,

Please, accept the below as my testimony IN OPPOSITION of HB1437, to “to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to academic tenure policy at institutions of higher education.” I am a resident of Fargo and employed by the State University System. I do not, however, testify in representation of anybody other than myself. I was once the faculty advisory member on the State Board of Higher Education, but I do not serve in that role any longer. I just have a good knowledge of the system.

I have testified in opposition to this bill when it was on the House site. I appreciate the communication with Representative Motschenbacher I had after this. I also appreciate the change from prohibiting tenure at a selection of our institutions to a broader post-tenure review. The change from review every 3 years to review every 5 years is also much appreciated. Going through HB1437 in its current form and Policy 352 at NDSU, a lot of what is requested in the bill is similar to what NDSU has established during the past year since HB1446 failed two years ago and the SBHE developed a new policy to address the issue.

I am now summarizing my remaining concerns. While the policy set by SBHE follows the make up of tenure (and Full Professor) review, HB1437 seems to shortcut the process. One of the advantages of the many levels of tenure review is that experts on subject matter get to perform the first evaluation. I would not expect a President or Provost of any of our institutions to be a subject expert on the large variety of subjects faculty can work on. I would highly recommend to allow for the SBHE to govern this policy and permit for our institutions to go on with a process that I always considered highly effective. As a personal note, I neither enjoyed going through the tenure nor the full professor process myself and mostly hate serving on the committee for my colleagues. It involves a lot of conflict as faculty are not quite the agreeable bunch as some legislators may think. But I always thought it was necessary and beneficial to the faculty and the institution. The current review is exceedingly thorough and the 15+ people who end up reviewing some 150 pages of portfolio come from different parts of campus and serve in different roles. This makes for a thorough review from all possible sides. The faculty colleagues from the Department and the Head can assess quality of the research and teaching activities on the subject. The faculty colleagues from the College and the Dean can assess what the contribution of research and teaching are to the College, or in my case to Agriculture in North Dakota.

To be sure, the administrative supervisor is part of the current process and so are three ranking administrators, Dean, Provost, and President. One could consider the Department and College committees as appointed by the President. So, the only real difference is that there is more than one faculty involved. I can assure you these are not usually more lenient towards their colleagues than administrators. At least, not in my experience.

As written, I highly recommend a DO NOT PASS vote on this bill. However, if one could make an amendment and allow the current thorough and comprehensive process to play out for post-tenure review with a larger number of faculty/subject experts involved, I would change this to Do Pass.

As in all my testimonies, I much appreciate the hard work and dedication that each member of my state legislative assembly puts into our state. Thank you.

Sincerely and respectfully Birgit Pruess,  
Ph.D.